

Remarks/Arguments

The present amendment is being filed along with a Supplemental IDS. The Supplemental IDS lists references cited in Japanese and European oppositions to foreign applications corresponding to the present application.

Claim 12 was amended to further describe HCV NS5B as a “purified HCV NS5B recombinant protein”. The recombinant protein is further described in claim 12 as “was expressed in either a eukaryotic or prokaryotic heterologous system and purified to apparent homogeneity”. Support for the amendment is provided in the application on page 4, lines 1-6.

Claims 16 and 19 were canceled for consistency with amended claim 12.

The present application establishes NS5B as providing RNA-dependent RNA polymerase activity encoded by hepatitis C virus. The application further demonstrates that NS5B can be successfully recombinantly expressed in a heterologous system, purified to apparent homogeneity, and have sufficient activity to be used in a method for identifying a HCV RNA-dependent RNA polymerase inhibitor.

It respectfully submitted that the prior art references cited in the last office action merely speculates as to a possible role of NS5B in providing polymerase activity. Not only is there uncertainty as to whether NS5B provides RNA-dependent RNA polymerase activity, there is also uncertainty as to whether NS5B, if it encodes the polymerase, can be successfully recombinantly expressed, purified to apparently homogeneity and then used in an *in vitro* assay to generate sufficient activity to identify inhibitors.

Accordingly the claims are in condition for allowance. Please charge deposit account 13-2755 for fees due in connection with this amendment. If any time extensions are needed for the timely filing of the present amendment, Applicants petition for such extensions and authorize the charging of deposit account 13-2755 for the appropriate fees.

Respectfully submitted,

By SH _____
Sheldon O. Heber
Reg. No. 38,179
Attorney for Applicant(s)

Merck & Co., Inc.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-1958